

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-28 are currently pending. No claims are amended, canceled, or added by the present amendment.

In the outstanding Official Action, Claims 1, 8, 15, and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 7,134,145 to Epstein (herein “the ‘145 patent”) in view of “SoundJam MP Plus Manual, ver. 2.0”, dated March 2000 (herein “SoundJam”; Claims 2-5, 7, 9-13, 16-19, 21, 23-26, and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over the ‘145 patent and SoundJam in view of U.S. Patent No. 6,925,448 to Stefik et al. (herein “Stefik”); and Claims 6, 14, 20, and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over the ‘145 patent and SoundJam in view of U.S. Patent No. 6,319,125 to Acres.

Applicants note that this application claims priority under 35 U.S.C. §§ 119(a) and 365(b) to Japanese Patent Applications No. 11-323019, filed November 12, 1999, and No. 11-358407, filed December 17, 1999, certified copies of those priority documents were timely filed in the International Office. Further, English translations of those priority documents provided with this request perfect the priority claim under 37 C.F.R. § 1.55(a)(4).

SoundJam is indicated as being revised March 2000, which is later than the perfected priority dates of the present application. Thus, it is respectfully submitted that SoundJam does not qualify as a prior art reference under 35 U.S.C. §§ 102 or 103.

The ‘145 patent was filed on April 13, 2000, which is later than the perfected priority dates of the present application. Accordingly, it is respectfully submitted that the ‘145 patent also does not qualify as a prior art reference under 35 U.S.C. §§ 102 or 103.

On the other hand, the '145 patent claims priority to a provisional application 60/131,993, filed April 30, 1999 (herein "the '993 provisional"). Applicants respectfully submit that the '993 provisional fails to teach or suggest the features of the independent claims, and accordingly, the '993 provisional fails to provide support for teachings or suggestions in the '145 patent related to the claimed invention. The '993 provisional, in its entirety, includes less than a single page (a courtesy copy of the '993 provisional is attached). In particular, the '993 provisional provides only an outline of steps in a "[p]rotocol for secure registration of music," and the '993 provisional fails to teach or suggest, for example, means for displaying a title, means for simultaneously setting a first plurality of selected contents to be checked out, or means for displaying a number of possible checkouts, as required by independent Claim 1, and as similarly required by independent Claims 8, 15, and 22. Thus, it is respectfully submitted that the '993 provisional fails to teach or suggest the features of independent Claims 1, 8, 15, and 22.

Accordingly, Applicants respectfully submit that filing of the English translations of the priority documents noted above renders moot each of the outstanding rejections.

Therefore, it is respectfully submitted that independent Claims 1, 8, 15, and 22, and claims depending therefrom, are allowable.

Consequently, in view of the present response, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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